

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KING COUNTY, WASHINGTON, and
DOW CONSTANTINE, in his official
capacity as King County Executive,

Defendants.

CASE NO. 2:20-cv-00203-RJB

ORDER REGARDING
INITIAL DISCLOSURES,
JOINT STATUS REPORT,
AND EARLY
SETTLEMENT

I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: **March 27, 2020**

Initial Disclosures Pursuant to FRCP 26(a)(1): **April 3, 2020**

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): **April 17, 2020**

The deadlines above may be extended only by the Court. Any request for an extension should be made by telephone to Tyler Campbell, Courtroom Deputy, at (253) 882-3822. If

1 Defendants have appeared, the parties are directed to meet and to confer before contacting the
2 Court to request an extension.

3 If this case involves claims which are exempt from the requirements of FRCP 26(a) and
4 26(f), please notify Tyler Campbell, Courtroom Deputy, by telephone at (253) 882-3822.

5 The parties are encouraged to meet and confer regarding scheduling and proposed
6 changes to the usual content of the Joint Status Report.

7 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

8 All counsel and any pro se parties are directed to confer and provide the Court with a
9 combined Joint Status Report and Discovery Plan (the "Report") by **April 17, 2020**. This
10 conference shall be by direct and personal communication, whether that be a face-to-face
11 meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt
12 completion of the case. It must contain the following information by corresponding paragraph
13 numbers:

- 14 .
- 15 1. A statement of the nature and complexity of the case.
 - 16 2. A proposed deadline for the joining of additional parties.
 - 17 3. The parties have the right to consent to assignment of this case to a full time
18 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13 to
19 conduct all proceedings. The Western District of Washington assigns a wide range of cases to
20 Magistrate Judges. The Magistrate Judges of this district thus have significant experience in all
21 types of civil matters filed in our court. Additional information about our district's Magistrate
22 Judges can be found at www.wawd.uscourts.gov. The parties should indicate whether they agree
23 that the Honorable Mary Alice Theiler may conduct all proceedings including trial and the entry
24 of judgment. When responding to this question, the parties should only respond "yes" or "no".

1 Individual party responses should not be provided. A "yes" response should be indicated only if
2 parties consent. Otherwise, a "no" response should be provided.

3 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
4 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which
5 includes the following topics:

- 6 (A) initial disclosures;
- 7 (B) subjects, timing, and potential phasing of discovery;
- 8 (C) electronically stored information;
- 9 (D) privilege issues;
- 10 (E) proposed limitations on discovery; and
- 11 (F) the need for any discovery related orders.

12 5. The parties' views, proposals, and agreements, by corresponding paragraph letters
13 (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following
14 topics:

- 15 (A) prompt case resolution;
- 16 (B) alternative dispute resolution;
- 17 (C) related cases;
- 18 (D) discovery management;
- 19 (E) anticipated discovery sought;
- 20 (F) phasing motions;
- 21 (G) preservation of discoverable information;
- 22 (H) privilege issues;
- 23 (I) Model Protocol for Discovery of ESI; and;
- 24 (J) alternatives to Model Protocol.

6. The date by which discovery can be completed.

7. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

9. Any other suggestions for shortening or simplifying the case.

10. The date the case will be ready for trial. The Court expects that this case will be ready for trial within 90 days after filing the Joint Status Report and Discovery Plan.

11. Whether the trial will be jury or non-jury.

12. The number of trial days required.

13. The names, addresses, and telephone numbers of all trial counsel.

14. The dates on which the trial counsel may have complications to be considered in setting a trial date.

15. If, on the due date of the Report, all defendant(s) or respondent(s) have not been served, counsel for the plaintiff shall advise the Court when service will be effected, why it was not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

16. Whether any party wishes a scheduling conference before the Court enters a scheduling order in the case.

17. List the date(s) that each and every nongovernmental corporate party filed its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

1 If the parties are unable to agree to any part of the Report, they may answer in separate
2 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference
3 with the Court at any time during the pendency of this action, they should notify Tyler Campbell
4 by telephone at (253) 882-3822.

5 **III. PLAINTIFF'S RESPONSIBILITY**

6 This Order is issued at the outset of the case, and a copy is sent by the clerk to counsel for
7 plaintiff (or plaintiff, if pro se) and any defendants who have appeared. Plaintiff's counsel (or
8 plaintiff, if pro se) is directed to serve copies of this Order on all parties who appear after this
9 Order is filed. Such service shall be accomplished within ten (10) days after each appearance.
10 Plaintiff's counsel (or plaintiff, if pro se) will be responsible for starting the communications
11 needed to comply with this Order.

12 **IV. JUDGE SPECIFIC PROCEDURAL INFORMATION**

13 All counsel and unrepresented parties should review Judge Bryan's web page for
14 procedural information applicable to cases before Judge Bryan. The judges' web pages, in
15 addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court
16 forms, instruction sheets, and General Orders, can be found on the Court's website at
17 www.wawd.uscourts.gov.

18 **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

19 If settlement is achieved, counsel shall immediately notify Tyler Campbell, Courtroom
20 Deputy, at (253) 882-3822.

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1 The parties are responsible for complying with the terms of this Order. The Court may
2 impose sanctions on any party who fails to comply fully with this Order.

3 DATED: This 26th day of February, 2020.

4 s/ Robert J. Bryan

5 Robert J. Bryan
6 United States District Judge
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